

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION FOR
AUTHORIZATION AND APPROVAL OF A PROJECT UNDER
CHAPTER 121A MASSACHUSETTS GENERAL LAWS (TER. ED.),
AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960,
AS AMENDED, AND FOR CONSENT TO THE FORMATION
PURSUANT TO SAID CHAPTER 121A OF AN URBAN
REDEVELOPMENT LIMITED PARTNERSHIP UNDER THE NAME
WOODBURY-CUNARD ASSOCIATES FOR THE PURPOSE OF
UNDERTAKING AND CARRYING OUT THE PROJECT.

A. The Hearing. A public hearing was held at 2:30 P. M., on July 10, 1975, in the offices of the Boston Redevelopment Authority, (hereinafter called the "Authority") at the New City Hall, Room 921, Boston, Massachusetts, by the Authority on an Application (hereinafter called the "Application") filed by LiDaPell Corporation, General Partner and Thomas J. Little and Val C. Somers, Limited Partners, (hereinafter called the "Applicants") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), and for consent to the formation of a Chapter 121A Limited Partnership under the name Woodbury-Cunard Associates for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication on June 24, 1975 and July 1, 1975 in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing appropriate notices postage prepaid, in accordance with the provisions of Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects (the "Regulations") and Section 13 of Chapter 652 of the Acts of 1960, as amended.

Robert L. Farrell, Chairman of the Authority, and James G. Colbert, Joseph J. Walsh, Paul J. Burns, and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the acquisition of Parcel 2A and Parcel 3 in the East Boston Neighborhood Development Program Area and the construction, operation and maintenance of the Limited Partnership under Chapter 121A of approximately 41 units and appurtenant facilities on land located on Sumner and Lewis Streets within the East Boston Neighborhood Development Program Area. The premises on which the Project is to be located are hereinafter referred to as the "Project Area". The Project is to be financed by the Massachusetts Housing Finance Agency, (hereinafter referred to as "MHFA").

The Applicants propose the following redevelopment activity on the Project Area:

- a. The construction of one three (3) story structure consisting of twenty (20) one-bedroom units, four (4) two-bedroom units, and 3,500 square feet of commercial space.
- b. The rehabilitation of the existing three and one-half story Woodbury Building to provide three (3) efficiency units, seven (7) one-bedroom units, seven (7) two-bedroom units and 3,500 square feet of commercial space.
- c. The provision of 36 spaces for automobiles.
- d. Completion of pedestrian mall on Lewis Street.

The makeup and design of the Project are fully shown on the Plans filed with the Application as Exhibit B.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, operation and maintenance in a blighted, open, decadent or sub-standard area of decent, safe and sanitary residential buildings and appurtenant facilities, as described above.

D. Project Area - Blighted Open, and Decadent Area. The Authority hereby finds that the Project Area is a blighted open, and decadent area within the meaning of Section 1 of Chapter 121A for the following reasons:

- a. The Project Area is within a larger urban renewal area known as the East Boston Neighborhood Development Program, (hereinafter referred to as (NDP A-3), which was approved by the Authority on April 2, 1970 and by the City Council on September 28, 1970. The NDP Application and Plan include findings that the area is a blighted, deteriorated or deteriorating area. These findings were based upon the facts that the NDP Area includes incompatible land uses, underutilized land, substandard, obsolete and deteriorating buildings. The objectives of the NDP urban renewal

activity called for the provision of low and moderate income housing and the elimination of obsolete, incompatible and deteriorating buildings.

- b. The Authority hereby finds that the Project Area is a "blighted open area" within the meaning of Section 1 of Chapter 121A. In particular, the Authority finds that it is an area that is unduly costly to develop soundly through the ordinary operations of private enterprise because of deterioration of site improvements and facilities in the Project Area, because of the substantial change in business and economic conditions and practices in the surrounding community and the abandonment and cessation of a previous use. Both Parcel 2A and Parcel 3 which make up the Project Area are blighted open areas.

Existing conditions also warrant a finding that Parcel 3 in the Project Area is a decadent area within the meaning of Section 1 of Chapter 121A. The Authority finds that the buildings on Parcel 3 are abandoned, out of repair, physically deteriorated and in need of major maintenance and repair.

The conditions which are causing the blight, and deterioration are not being remedied by the ordinary operations of private or public enterprise. These conditions warrant the carrying out of the Project in accordance with Chapter 121A of the General Laws, and the Application constitutes a "Project" within the meaning of that law. The purpose of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by

this Project. The demand for decent, safe, and sanitary housing for elderly persons and families at rent levels below those which the conventional operations of the real estate market produce is, as a matter of common knowledge, intense. Construction of the units and facilities proposed for the Project Area will serve to alleviate this intense demand, and will, in addition, encourage the conservation and improvement of the area.

The Project will provide substantial financial return to the City of Boston. Exhibit J of the Application sets forth an example of the type of Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the forty (40) calendar years after approval of the Project, an amount over the excise payable under General Laws, Chapter 121A, Section 10. Exhibit J is attached only for illustrative purposes and the approval of this Report and Decision does not bind the City or the Applicants to the terms and conditions of Exhibit J.

E. Cost of the Project. In the opinion of the Authority the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost of the Project is \$1,198,253.00. The Project is to be built under a 90% mortgage financing program of the Massachusetts Housing Finance Agency and 33 of the units will be subsidized for low and moderate income elderly individuals and families. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the

organizational framework of the Partnership to be called Woodbury-Cunard Associates. Experience with similar financing and organizational methods persuades the Authority that the financing program is realistic.

The feasibility of the Project is based upon the financial commitment made by the Applicants which requires them to provide necessary working capital, the need for housing in the vicinity, and the below market interest rate on the mortgage loan made possible by the MHFA commitment to finance the Project.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan of the City of Boston.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will in fact forward the best interests of the City and will constitute a public use and benefit. The residential structures to be erected on the Project Area are efficiently designed buildings, with ample light and air and appurtenant space, and will furnish attractive and necessary living accommodations.

The carrying out of the Project will replace the present blighted conditions of the Project Area with suitable accommodations for elderly individuals and families, and economic as well as physical integration into the community will result from the availability of the housing. The Plans for the Project and its operation have been

reviewed by the Massachusetts Housing Finance Agency and the Authority's Design Review Staff and will be subject to further design review of the Authority.

The carrying out of the Project will not involve the destruction of existing structures occupied in whole or in part as dwellings.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not involve the construction of units which constitute a single building under the Boston Building Code and Zoning Laws, and the carrying out of the Project will not require a declaration by the Authority, with the approval of the Mayor, that such units constitute separate buildings for the purpose of Chapter 138 of the General Laws.

H. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit I filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit I, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Final Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

I. Environmental Considerations. In conformance with the provisions of Sections 61 and 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental analysis evaluating the Project, which contains findings which the Authority hereby adopts, among which are:

1. The Project does not adversely affect any recreational areas or any aesthetic value in the surrounding area. A pedestrian mall and recreational area has been created within the area development.
2. The Project will not affect natural or man-made features.
3. The Project does not adversely affect archeological or historic features. The Woodbury Building will be rehabilitated as a result of this Project.

4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area serves no rare or endangered wildlife or fish species. While located close to Boston Harbor the Project does not adversely affect the Harbor.
6. The site is urban and contains no significant fish, wildlife, or plant life.
7. The Project will require deviations from the State Building Code as further detailed herein, but not in such manner as will cause damage to the environment. No deviations from the Boston Zoning Code are required by this Project.
8. The Project does not involve the disposal of potentially hazardous materials.
9. The Project does not involve the construction of facilities in a flood plain.
10. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.
11. The Project does not result in a deletrious effect on the quality of any portion of the State's air or water resources.
12. The Project does not affect an area of important scenic value.

Therefore the Authority concludes that the Project will not cause any environmental damage. The Environmental Assessment of the Project has been completed jointly by the Authority and the Massachusetts Housing Finance Agency, and a joint report has been filed by the Authority and the MHFA with the Secretary of Environmental Affairs. The Authority hereby determines that the Project will not cause any significant environmental damage and finds that no other action must be taken.

J. Deviations. Exhibit H filed with and attached to the Application lists the Building Code Deviations required for Project construction. For the reasons set forth in the Application and supporting documents, including said Exhibit H, and in evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations, respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other cities that the other design, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit H, and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations, respectively.

In summary, permission is granted to deviate from the following provisions of the State Building Code.

| <u>REQUIRED</u> | <u>PROVIDED</u> |
|---|-----------------|
| 1. Section 213.1(B). The horizontal and vertical fire separation between mixed occupancies (L-2, residential and C, mercantile or F2, public assembly) is 2 or 3 hours prescribed in Table 9-1. | 1. 1 hour. |

REQUIRED

2. Section 217.2 Type 3-B construction shall conform to fire ratings of Table 2-5, which require exitways and stairways to be non-combustible.
3. Section 503.41 In use group L-2, interior stairs are required to have 10 sq. ft. of windows for each story.
4. Section 503.1 & 2 All habitable rooms shall have natural light equal to 1/10 the area of the room.
5. Section 503.42 Ventilating skylights in stairs are allowed only in buildings 3 stories or less.
6. Section 504.1 Natural ventilating openings of habitable spaces shall equal 5% of floor area.
7. Section 509.1 Kitchens greater than 70 sq. ft. in area are required to have natural ventilation.

PROVIDED

2. The Woodbury Building has wood studs in 2 hour stair wall and shaftways.
3. The public stair has no windows on the 2nd and 3rd floor, and only the 1st floor has natural light. A ducted system to a mechanical hatch at the roof, operated by smoke detector at the top of the stairwell will be provided.
4. In the 4th floor bedrooms the existing dormer windows are less than the required area and a basement space used as a community room would have less than the required area of light.
5. At the private stair to the 4th floor a ventilating skylight will be provided.
6. In the 4th floor bedrooms, the existing dormer windows are less than the required area and a basement space used as a community room would have less than the required area of ventilation.
7. The 2 bedroom units in the Cunard Building have kitchens which are mechanically ventilated.

REQUIRED

8. Section 603.4 Grade level building access is required for handicapped.
9. Section 605.21 Inadequate exitways shall be made adequate as deemed by the Building Official.
10. Section 609.1 Two exitways are required for every floor above or below grade.
11. Section 611.1 Exitway wall construction shall be as described in Table 2-5 and Section 909.0.
12. Section 611.4 Construction - same as above.
13. Section 616.21 Width of exitway stairs shall be 42" minimum.
14. Section 616.41 Maximum risers are 8-1/4" and minimum treads are 9" with 1-1/4" nosing.
15. Section 616.42 Winders are not permitted on exitway stairs.
16. Section 616.62 Apartment entry doors shall swing into stairway (direction of travel).
17. Section 616.9 Non-combustible stair construction is required.
18. Section 718.0 Design the structure to withstand earthquake loads.
19. Section 816.2 Mortar for masonry shall meet strength and durability specified herein.

PROVIDED

8. The Woodbury Building has existing 1st floors above the street level and no room for a ramp.
9. Woodbury Building has fire balconies between bays as a second means of egress.
10. Woodbury Building has basement space used as a community room which would have only one egress.
11. Woodbury Building exitways can be 2 hour rated walls, but with wood studs and floor joists.
12. Same as above.
13. Woodbury Building existing stairways are about 30" wide.
14. Woodbury Building existing stairway may be in excess.
15. Existing stair has winders.
16. Apartment entry door swings into unit.
17. Woodbury Building stairs are wood.
18. Woodbury Building is not designed for earthquake loads.
19. Existing mortar does not meet current standards for strength.

REQUIRED

20. Section 903.0 Table 9-1 requires a fire rating of 3 hours for Group C and F-2 occupancies, and 1-1/2 hours for Group L-2.
21. Section 907.81 When roof construction is combustible on both sides of fire wall, wall must extend through roof 4".
22. Section 1206.11 Table 12-1 requires wet standpipes in buildings greater than 3 stories.
23. Section 1218.211b) 1) and 2) Buildings shall conform to fire alarm systems required NFPA 101 and NFPA 74.

PROVIDED

20. Separation provided in Woodbury Building is 1 hour rated construction.
21. Woodbury Building fire walls stop below roof sheathing. Class "A" shingles are being used.
22. Woodbury Building is a 4 story building with only duplex bedrooms on the 4th floor. The public stair stops on the 3rd floor. Also, the building is accessible by fire truck from front and rear. Standpipes are not being provided.
23. Detectors are not being provided in the baths or small closets for any of the units.

These deviations are granted in reliance upon the Applicant securing approval from the Fire Department.